

FILED '11 APR 25 13:01 USDC-ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONNA JENE MEMMOTT,

Plaintiff,

Civ. No. 10-3042-CL

v.

ORDER

ONEWEST BANK, FSB, and
REGIONAL TRUSTEE SERVICES
CORPORATION,

Defendants.

PANNER, District Judge:

On February 9, 2011, Magistrate Judge Mark D. Clarke filed a Report and Recommendation (#58), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b).

Plaintiff and defendant Regional Trustee Services Corporation filed objections, and responses were filed to the objections.

Therefore, I have reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1)(c); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). On April 19,

2011, I presided over oral arguments regarding the objections.

With one addition, Magistrate Judge Clarke's Report and Recommendation (#58) is adopted. At the beginning of the first full paragraph on page 11 (just prior to "Since neither OneWest nor Regional . . ."), I include the following:

At this stage in the proceedings, I conclude OneWest is a "debt collector" under the FDCPA. I assume, without deciding, that Regional is also a "debt collector" under the FDCPA."

This matter is referred to Magistrate Judge Clarke for further proceedings.

IT IS SO ORDERED.

DATED this 25 day of April, 2011.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE